

IN RE: PETITION FOR ZONING VARIANCE
NE/S Liberty Road, 250' NW
of the c/l of Pikeswood Drive
(9500 Liberty Road)
2nd Election District
2nd Councilmanic District
William F. Wilhelm, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-99-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit 72 off-street parking spaces in lieu of the required 87 spaces in accordance with Petitioner's Exhibit 1.

The Petitioners, by Joseph Smiley, Assistant Real Estate Manager, McDonald's Corporation, Contract Lessee, appeared, testified and was represented by E. Harrison Stone, Esquire. Also appearing on behalf of the Petition was J. Bartko, Project Engineer, and Richard L. Smith, Engineer with Kidde Consultants, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 9500 Liberty Road, consists of 1.09 acres zoned B.R.-C.S.2 and B.R., and is improved with a McDonald's fast food restaurant which has existed on the site since approximately September, 1978. Petitioners are desirous of constructing a building addition of 231 sq.ft. total as shown on Petitioner's Exhibit 1 to provide an additional drive-thru window and office space for the manager of the restaurant. Testimony indicated that current parking is more than adequate as there are generally no more than 55 of the existing 72 parking spaces occupied during peak hours. Petitioners argued that strict compliance with the zoning regulations will result in practical difficulty and that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding

community. Further, Petitioners noted that there were no negative Zoning Plans Advisory Committee comments submitted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of November, 1990 that the Petition for Zoning Variance to permit 72 off-street parking spaces in lieu of the required 87 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 2 -

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any permits, Petitioners shall submit a landscaping plan for approval by the Deputy Director of Planning. A copy of the approved plan shall be submitted to the Zoning Commissioner's office for inclusion in the case file prior to the issuance of any permits.

3) Compliance with all Zoning Plans Advisory Committee comments submitted in this matter.

4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING
Date 11/14/90
By [Signature]

- 3 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3333
J. Robert Haines
Zoning Commissioner

November 14, 1990

E. Harrison Stone, Esquire
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NE/S Liberty Road, 250' NW of the c/l of Pikeswood Drive
2nd Election District - 2nd Councilmanic District
William F. Wilhelm, et ux - Petitioners
Case No. 91-99-A

Dear Mr. Stone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.6.A.2. of the BCZR to allow a total of 72 off-street parking spaces instead of the required 87 spaces.

- the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Hardship and practical difficulty.
1. Strict compliance with current parking regulations would unreasonably prevent use of property for a permitted purpose and would be unnecessarily burdensome.
 2. Relief can be granted in such fashion that the spirit of the regulations will be observed and public safety and welfare are observed.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee:
McDonald's Corporation
(Type or Print Name)
Joseph Smiley
Signature
Columbia Corporate Park
Address 8850 Stanford Blvd.
Columbia, Maryland 21045
City and State

Legal Owner(s):
William F. Wilhelm
(Type or Print Name)
William F. Wilhelm
Signature
Mary L. Wilhelm
(Type or Print Name)
Mary L. Wilhelm
Signature

Attorney for Petitioner:
E. Harrison Stone, Esq.
(Type or Print Name)
E. Harrison Stone
Signature
Sre. 600, 102 W. Pennsylvania Ave.
Address
Towson, Maryland 21204
City and State

6504 Panorama Dr.
Address
Sykesville, MD 21784
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Mr. & Mrs. William F. Wilhelm
Name
6504 Panorama Dr.
Address
Sykesville, MD 21784
City and State

Attorney's Telephone No.: (301) 823-1800

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day

Sept 10, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2 day of Oct, 1990, at 2 o'clock

J. Robert Haines
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING (1/2HR.) + 1HR.
AVAILABLE FOR HEARING
ALL HRS. 10:00 A.M. - 5:00 P.M.
REVIEWED BY: CAH DATE: 8 Nov 90

POWER OF ATTORNEY RECEIVED 8-17-90

FROM BALTIMORE REGION

8.17.1990

#52

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That I, WILLIAM F. WILHELM

resident of Carroll County
State of Maryland
by these presents do make, constitute and appoint Dale L. Wilhelm
resident of Carroll County, State of Maryland to be

my lawful attorney to act in, manage and conduct all my estate and all my affairs, and for that purpose for me and in my name, place and stead, and for my use and benefit, and as my act and deed, to do and execute, or to concur with persons jointly interested with myself therein in the doing or executing of, all or any of the following acts, deeds and things, that is to say:

1. To buy, receive, lease, accept, or otherwise acquire; to sell, convey, mortgage, hypothecate, pledge, quit claim, or otherwise encumber or dispose of; or to contract or agree for the acquisition, disposal or encumbrance of; any property whatsoever or any custody, possession, interest, or right therein, upon such terms as my said attorney shall think proper;
2. To take, hold, possess, invest, lease or let or otherwise manage any or all of my property or any interest therein; to eject, remove or relieve tenants or other persons from, and recover possession of, such property by all lawful means; and to maintain, protect, preserve, insure, remove, store, transport, repair, rebuild, modify, or improve the same or any part thereof;
3. To make, do and transact all and every kind of business of what nature or kind soever, including the receipt, receipt, collection, payment, compromise, settlement and adjustment of all accounts, legacies, bequests, interests, dividends, annuities, demands, debts, taxes and obligations which may now or hereafter be due, owing or payable by me or to me;
4. To make, endorse, accept, receive, sign, seal, execute, acknowledge and deliver deeds, assignments, agreements, certificates, hypothecations, checks, notes, bonds, vouchers, receipts and such other instruments in writing or whatever kind and nature as may be necessary, convenient or proper in the premises;
5. To deposit and withdraw for the purposes herein, in either my said attorney's name or my name or jointly in both our names, in or from any banking institution, any funds, negotiable papers, or moneys which may come into my said attorney's hands as such attorney or which I now or hereafter may have on deposit or be entitled to;
6. To institute, prosecute, defend, compromise, arbitrate and dispose of legal, equitable, or administrative hearings, actions, suits, attachments, arrests, distresses or other proceedings, or otherwise engage in litigation in connection with the premises;
7. To act as my attorney or proxy in respect to any stocks, shares, bonds, or other investments, rights or interests I may now or hereafter hold;
8. To engage and dismiss agents, counsel, and employees, and to appoint and remove at pleasure any substitute for, or agent of my said attorney, in respect to all or any of the matters or things herein mentioned and upon such terms as my attorney shall think fit;
9. To receive, endorse and collect the proceeds of any checks payable to the order of the undersigned;
10. To prepare, execute and file income and other tax returns, and other governmental reports, applications, requests and documents;
11. To take possession, and order the removal and stipment, of any of my property

from any warehouse, depot, dock, or other place of storage, or safe keeping and to execute and deliver and release voucher, receipt, shipping ticket, certificate or other instrument necessary or convenient for such purposes.

GIVING AND GRANTING unto my said attorney full power and authority to do and perform all and every act, deed, matter and thing whatsoever in and about my estate, property and affairs as fully and effectually to all intents and purposes as I might or could do in my own proper person if personally present, the above specially enumerated powers being in aid and exemplification of the full, complete and general power herein granted and not in limitation or definition thereof, and hereby ratifying all that my said attorney shall lawfully do or cause to be done by virtue of these presents.

This Power of Attorney shall not be affected by disability of the principal; and any act performed by my said attorney shall be binding on me, my heirs, personal representatives and assigns, whether the same shall have been performed before or after my death.

William F. Wilhelm
Signature
Witness: William F. Wilhelm
Signature
STATE OF MARYLAND, to wit:

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 15th day of July, 1990, in the year nineteen hundred and eighty-nine.
Witness: William F. Wilhelm
Signature
STATE OF MARYLAND, to wit:

I HEREBY CERTIFY, That on this 15th day of July, 1990, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared William F. Wilhelm the party named in the above Power of Attorney and he acknowledged the foregoing to be his act and deed.

AS WITNESS my hand and Notarial Seal.

My Commission expires:
July 1, 1990

Virginia E. Brown
Notary Public.

KIDDE CONSULTANTS, INC.

DESCRIPTION
McDONALD'S RESTAURANT
9500 LIBERTY ROAD
BALTIMORE COUNTY, MARYLAND

This description is to accompany the request for a parking variance in a "BR-CS-2" and a "BR" Zone.

BEGINNING FOR THE SAME at a point on the northeast side of Liberty Road (Maryland Route 26), said point of beginning being 250' more or less northwest of the centerline of Pikeswood Drive, (50' wide) thence binding on the said northeast side of Liberty Road

- (1) North 59 degrees 30 minutes 25 seconds West 173.00 feet, thence leaving the said northeast side of Liberty Road
- (2) North 24 degrees 39 minutes 00 seconds East 300.99 feet, thence the following two courses
- (3) South 59 degrees 38 minutes 00 seconds East 143.86 feet and
- (4) South 19 degrees 12 minutes 50 seconds West 305.65 feet to the point of beginning.

CONTAINING 1.09 Acres of land, more or less

RLS/cnd KCI Job Order No.: 01-172498 May 22, 1990



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 10-8-90

Posted for: Variance

Petitioner: Owner: Wm. F. Wilhelm, et ux - Jesse M. Donald Corp.

Location of property: N.E. side of Liberty Road, 2.50 ± NW of the
Ch. of Baltimore Harbor, 1.500 Liberty Road

Location of Sign: Clamp front of 9500 Liberty Road

Remarks: See J. Robert Haines

Posted by: J. Robert Haines Date of return: 10-12-90

Number of Signs: 1

receipt

Account: R-001-6150
Number: 3140

Date: 8/08/90 H9100052

PUBLIC HEARING FEES	QTY	PRICE
050 - ZONING VARIANCE (OTHER)	1 X	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: WILHELM

Item #52

04A04W0052MCHRC
BA C004:30PH08-08-90

Please make checks payable to: Baltimore County

Cashier Validation:

LIBERTY HOUSE
Find Us - We're Worth It
Mon-Fri, 10-6, Sat. 12-5
922-3083

LEGAL NOTICE

Kids

A forest ranger from Gunpowder Falls State Park will display live reptiles and birds of prey while discussing conservation on Tues., Oct. 9 at 7 p.m. in the Randallstown Library. (887-0770).

All About Me! A toddler story time with activities and a craft for 2 year olds with an adult, will be held on Wed., Oct. 10 at 10:30 a.m. at the Randallstown Library. Free registration is available by visiting the library at 8604 Liberty Rd., Liberty Court Shop, Cir. (887-0770).

A 'Sukkah' Party for newcomers with children under the age of five will be held Sat., Oct. 7 from 1-2:30 p.m. at the ICC Owings Mills. Enjoy light snacks and meet families with young children who are new to the area. (556-5200).

Art

During October, The Park School will exhibit a display of watercolors by Ellen I. F. Sack, and sculptures by Ann Sledge. Opening reception will be Fri., Oct. 5 from 4-6 p.m. at the school, located on Old Court Rd., Irons, Falls & Greenspring Ave. (825-2351).

Donations for Liberty Resource Ctr.

During the month of October, the Liberty Family Resource Center will be collecting toilet articles (soap, deodorant, shampoo, toothbrushes and tooth paste) for its pantry. Family items are distributed to resource center clients with no other source can be found to provide for their needs. If you would like to make a donation, stop by the Liberty Family Resource Center, 8757 Liberty Rd., Monday, Wednesday or Thursday 8:30 a.m. to 5 p.m. or Tuesday and Friday 8:30 a.m.

LEGAL NOTICE

ROOM FOR RENT - Spacious, carpeted, separate entrance, full size of basement. \$60/week. 556-5735.

LEGAL NOTICE

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LEGAL NOTICE

ROOM FOR RENT - Spacious, carpeted, separate entrance, full size of basement. \$60/week. 556-5735.

CERTIFICATE OF PUBLICATION

Pikesville, Md., 10/3/90

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 14th day of Oct, 1990

the first publication appearing on the 3rd day of Oct, 1990

the second publication appearing on the 7th day of Oct, 1990

the third publication appearing on the 10th day of Oct, 1990

THE NORTHWEST STAR

Don Berle
Publisher

Cost of Advertisement \$24

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10-11, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-4, 1990

THE JEFFERSONIAN.

S. Zeke Orlean
Publisher

\$ 36.30

receipt

Account: R-001-6150
Number: 3806

Date: 91-99 M7100385

PUBLIC HEARING FEES	QTY	PRICE
050 - POSTING SIGNS / ADVERTISING	1 X	\$85.30
TOTAL:		\$85.30

LAST NAME OF OWNER: WILHELM

04A04W0003MCHRC
BA C002:20PH11-02-90

Please make checks payable to: Baltimore County BUSINESS DAY

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 10-26-90

McDonald's Corporation
Columbia Corporate Park
8650 Stanford Blvd.
Columbia, Maryland 21045

ATTN: JOSEPH SMILEY

Re: Petition for Zoning Variance
CASE NUMBER: 91-99-A
NE/S Liberty Road, 250' ± NW c/1 of Pikeswood Drive
9500 Liberty Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): William F. Wilhelm, et ux
Lessor: McDonald's Corporation
HEARING: FRIDAY, NOVEMBER 2, 1990 at 2:00 p.m.

Please be advised that \$ 85.30 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE UNDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

September 20, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-99-A
NE/S Liberty Road, 250' ± NW c/1 of Pikeswood Drive
9500 Liberty Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): William F. Wilhelm, et ux
Lessor: McDonald's Corporation
HEARING: FRIDAY, NOVEMBER 2, 1990 at 2:00 p.m.

Variance: To allow a total of 72 off-street parking spaces instead of the required 87 spaces.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. William F. Wilhelm
McDonald's Corporation

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

October 23, 1990

E. Harrison Stone, Esquire
Suite 600, 102 W. Pennsylvania Ave
Towson, MD 21204

Dennis F. Rasmussen
County Executive

RE: Item No. 52, Case No. 91-99-A
Petitioner: William F. Wilhelm, et ux
Petition for Zoning Variance

Dear Mr. Stone:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WITKANSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. William F. Wilhelm
Mr. Joseph Smiley

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

October 23, 1990

Dennis F. Rasmussen
County Executive

RE: Item No. 52, Case No. 91-99-A
Petitioner: William F. Wilhelm, et ux
Petition for Zoning Variance

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IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WITKANSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. William F. Wilhelm
Mr. Joseph Smiley



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

August 29, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
McDonald's Restaurant
Zoning Meeting of 9-4-90
N/8 Liberty Road (MD 26)
250' West of
Pikesville Drive
(Item #52)

Attn: Mr. James Dyer

Dear Mr. Haines:

After reviewing the submittal for a variance to allow a total of 72 off-street parking spaces instead of the required 87 spaces, we find the plan acceptable having performed all required entrance improvements.

If you have any questions, please contact Larry Brocato at (301) 333-1350.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB:mnw

cc: Kilde Consultants, Inc.
Mr. J. Ogle

RECEIVED
SEP 4 1990
ZONING OFFICE

My telephone number is (301) 333-1350 (Fax #333-1041)

Teleprinter for impaired hearing or speech
383-7555 Baltimore Metro - 563-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: October 16, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: William F. Wilhelm, Item No. 52

The Petitioner requests a Variance to allow a total of 72 off-street parking spaces instead of the required 87 spaces.

In reference to this request, staff offers the following comments:

- The proposed addition does not require CRG or a waiver.
- This site is located within the area of the Liberty Road Action Plan. All signage and landscaping details should comply with the plan.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM52/ZAC1

Rec 10/17/90

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

9/22/90
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 52, Zoning Advisory Committee Meeting of September 4, 1990

Property Owner: William F. & Mary L. Wilhelm

Location: 9500 Liberty Road District: 2

Water Supply: Metro Sewage Disposal: Metro

COMMENTS ARE AS FOLLOWS:

- (✓) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for new existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3175, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any chiller/boiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-5500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted.
- () The results are valid until
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until
- () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others

Signature
BUREAU OF WATER QUALITY AND RESOURCE
1809423-27

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4800

Paul H. Reincke
Chief

SEPTEMBER 6, 1990



Donna F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WILLIAM F. AND MARY L. WILHELM

Location: #9500 LIBERTY ROAD

Item No.: 52 Zoning Agenda: SEPTEMBER 4, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capt. Kelly 7-6-90* Noted and Approved *Captain J. Bradfield*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
E. HARRISON STONE ESQ	102 W. PENNA. AVE TOWSON MD 21204
J. Smiley	8550 STANFORD BLVD COLUMBIA MD 21045
J. Baetko	8550 STANFORD BLVD Suite 2000 Columbia, Md 21044
Richard L. Smith	1022 Deamden Dr. E. Towson, Mo. 21204

52

ROYSTON, MUELLER, McLEAN & REID

ATTORNEYS AT LAW
SUITE 600
42 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-7800
TELECOPIER FAX (301) 328-7850

Ms. Kate Milton
Zoning Office
County Office Building
Towson, Maryland 21204

RE: McDonald's Corporation - Liberty Road
Item - 52

Dear Kate:

Enclosed is the Power of Attorney you requested in the above case.

Sincerely,

E. Harrison Stone
E. Harrison Stone

EHS/mlw
Enclosure

CAM

Item #52

No go - Dale Wilhelm says he has Power of Attorney but there's nothing in the file to document that. We need proof.
Sophia
8/13/90

Proof Rec'd

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
September 11, 1990

RECEIVED
SEP 11 1990
ZONING OFFICE

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT OF PLANNING AND ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 52
PROPERTY OWNER: William F. & Mary L. Wilhelm
LOCATION: NE/8 Liberty Rd, 250' (+/-) NW centerline of Pikesville Dr. (#9500 Liberty Road)
ELECTION DISTRICT: 2nd
COUNCILMANIC DISTRICT: 2nd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

- () PARKING LOCATION () RAMP (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE

- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 30, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for September 4, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 52, 55, 59, 60, 63, 65, 68, 69 and 70.

For Item 58, a County Review Group Meeting is required.

For Items 45, 62 and 66, the previous County Review Group comments still apply.

For Item 57, the topography shows a pole at corner of drive that will interfere with widening. Half paving width of Sulphur Spring Road is 21 feet, right-of-way equals 30 feet (not shown on plan). Entrance apron to be 7-inch concrete on 4-inch CR-6, similar to Plate R-32.

For Item 61, a revised County Review Group Meeting is needed. Original County Review Group Meeting under "Chartley Building" was for one story office.

For 91-42-A, Maryland National Bank Reconstruction, we have no comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s

Nov. 2, 1990 - 99-A

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

October 2, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 52
Property Owner:
Location:

Existing Zoning:
Proposed Zoning:

Area:
District:

Z.A.C. September 4, 1990
Legal Owners-William F. & Mary L. Wilhelm
9500 Liberty Road

B.R.
Variance to allow 72 parking spaces in lieu of 87 spaces.
1.09 acres
2nd Election District
2nd Councilmanic District

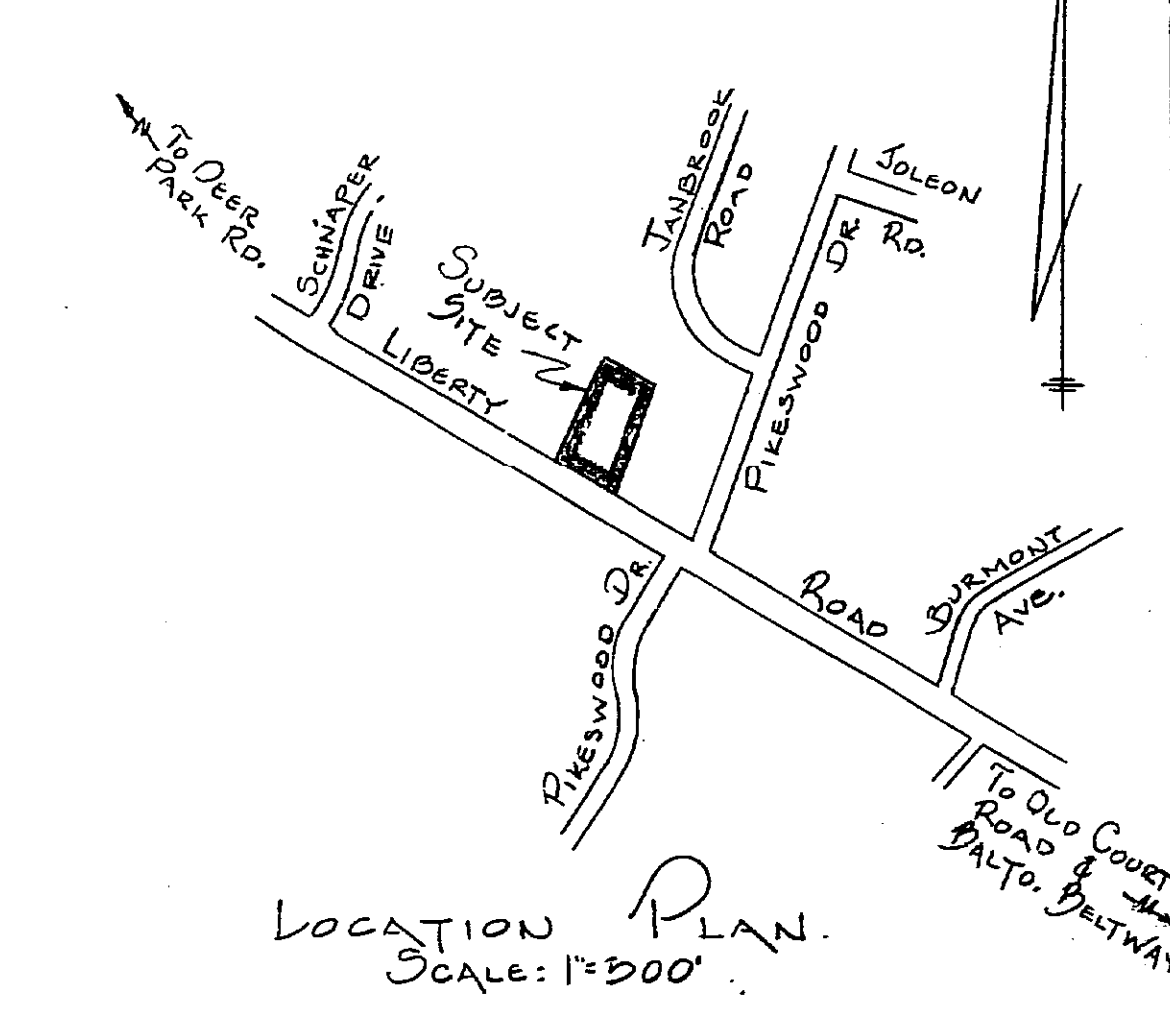
Dear Mr. Haines:

The requested variance to parking can be expected to cause parking problems in the area.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

received
10/10



1. AREA OF PROPERTY EQUALS 1.09 AC. (47,400 Sq. Ft.); GROSS SITE AREA - 1.81 AC. (52,670 Sq. Ft.)
2. EXISTING ZONING OF PROPERTY - "DR-C-32" & "DR"
3. EXISTING USE OF PROPERTY - "Sit Down" RESTAURANT WITH ENCLOSED CHILDREN'S PLAY AREA & DRIVE THRU.
4. EXIST FLOOR AREA EQUALS 11,110 SQ. FT.
5. PROPOSED ADDITION TO BUILDING EQUALS 231 SQ. FT.
6. OFF-STREET PARKING: (TOTAL FLOOR AREA EQUALS 4341 SQ. FT.)
 - A. REQUIRED PARKING EQUALS 86.8 = 87 SPACES
 - B. EXISTING PARKING EQUALS 78 SPACES INCLUDING 3 HANDICAPPED SPACES.
 - C. SEE NOTE FOR PARKING VARIANCE REQUEST
7. FLOOR AREA RATIO:
 - A. ALLOWED EQUALS 105,340 Sq. Ft. (52,670 x 2)
 - B. PROPOSED FLOOR AREA = 0.082 (4341 ÷ 52,670)
8. AMENITY OPEN SPACE:
 - A. REQUIRED - NONE
 - B. EXISTING EQUALS 3506 Sq. Ft. +
9. PUBLIC UTILITIES EXIST AT THE SITE
10. SITE IS LOCATED IN THE SCOTTS LEVEL DRAINAGE AREA
11. EXISTING SIGNS & FLAGPOLES WILL BE MOVED TO BE IN COMPLIANCE WITH APPLICABLE BCZR SETBACKS AND DTLA CO. CODES IF & WHEN THE STATE HIGHWAY ADMINISTRATION WIDENS LIBERTY ROAD.

91-99-A

PETITIONER IS REQUESTING A VARIANCE TO SECTION 402.GA.2 OF THE BCZR TO ALLOW A TOTAL OF 12 PARKING SPACES INSTEAD OF THE REQUIRED 87. A VARIANCE OF 15 SPACES.

AD OF
5

EXHIBIT 1

TESTIMONY

SHEET 1 OF 1	DATE MAY 24, 1990 SCALE 1" = 20'	JOB NUMBER 01172495 <u>54277C</u>
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